

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TEHEA L. MINKE,

Plaintiff,

Case No. 2:15-cv-12516

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**  
(document no. 17), **DENYING DEFENDANT'S MOTION**  
**FOR SUMMARY JUDGMENT** (document no. 15), **GRANTING**  
**IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR**  
**SUMMARY JUDGMENT** (document no. 13), **AND REMANDING THE CASE**

Plaintiff Tehea Minke ("Minke") filed an application for Supplemental Security Income ("SSI") in January of 2012. When that application was denied, she sought and received an administrative hearing the following March. The ALJ, in a written opinion, found she was not disabled. After the Appeals Court denied review, Minke filed for judicial review by the Court. The case was referred to a magistrate judge and the parties filed cross motions for summary judgment. See ECF Nos. 13, 15. The magistrate judge issued a Report and Recommendation ("Report") suggesting that the Court deny the Commissioner's motion, grant in part and deny in part Minke's motion and remand the case to the ALJ on the ground that the ALJ's conclusion that Minke is not disabled was not supported by substantial evidence. See Report 1, ECF No. 17. Neither party filed objections.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and

file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2).

Because neither Minke nor the Commissioner filed objections, de novo review of the Report's conclusions is not required. Having reviewed the Report's analysis, in light of the record, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report's findings, deny the Commissioner's motion for summary judgment, grant in part Minke's motion for summary judgment to the extent it seeks remand, deny the motion in part to the extent it seeks an award of damages and remand the case for further proceedings consistent with the Report.

### **ORDER**

**WHEREFORE**, it is hereby **ORDERED** that the magistrate judge's Report and Recommendation (document no. 17) is **ADOPTED**.

**IT IS FURTHER ORDERED** that the Commissioner's Motion for Summary Judgment (document no. 15) is **DENIED**.

**IT IS FURTHER ORDERED** that Minke's Motion for Summary Judgment (document no. 13) is **GRANTED IN PART** and **DENIED IN PART**.

**IT IS FURTHER ORDERED** that the case is **REMANDED** for further proceedings consistent with the Report.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: August 10, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 10, 2016, by electronic and/or ordinary mail.

s/Carol Cohron

Case Manager